**A** **BILL**

TO AMEND SECTION 59‑5‑65, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO POWERS AND RESPONSIBILITIES OF THE STATE BOARD OF EDUCATION, SO AS TO PROVIDE THE BOARD SHALL ESTABLISH BEFORE AUGUST 1, 2014, A PROFICIENCY‑BASED SYSTEM AS AN ALTERNATIVE TO TRADITIONAL SEAT‑TIME REQUIREMENTS FOR CHILDREN NOT EXEMPT FROM COMPULSORY SCHOOL ATTENDANCE REQUIREMENTS, TO PROVIDE THE SYSTEM MUST BE OPTIONAL FOR SCHOOL DISTRICTS, AND TO DEFINE NECESSARY TERMS; AND TO AMEND SECTION 59‑65‑90, RELATING TO RULES AND REGULATIONS CONCERNING STUDENT ATTENDANCE REQUIREMENTS, SO AS TO MAKE A CONFORMING CHANGE.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 59‑5‑65(9) of the 1976 Code is amended to read:

“(9) ~~[Deleted]~~(a) Establish before August 1, 2014, a proficiency‑based system as an alternative to traditional seat‑time requirements for children not exempt from compulsory school attendance requirements by Section 59‑65‑30. The system must be optional for each school district.

(b) For the purposes of this section:

(i) ‘Proficiency’ means the demonstration of competency or advancement, based upon mastery of South Carolina State Subject Area Standards in any subject without the necessity of satisfying a seat‑time requirement;

(ii) ‘Proficiency‑based learning course credits’ means credits received for courses based upon mastery of South Carolina State Subject Area Standards without the necessity of satisfying a seat‑time requirement. Attendance requirements of one hundred twenty hours of seat time may not apply to a proficiency‑based learning course credit. These courses may be designed to include, but not be limited to, distance learning, online learning, project and inquiry‑based learning, independent study, and a combination of these methodologies.

(iii) ‘Proficiency‑based system’ means a structure which outlines courses, curriculum, and instructional methods used in awarding proficiency‑based course credit.

(iv) ‘Seat time’ means a requirement that a student be present in a classroom for a minimum amount of time as a condition of successful completion of a course.”

SECTION 2. Section 59‑65‑90 of the 1976 Code is amended to read:

“Section 59‑65‑90. The State Board of Education shall establish regulations defining lawful and unlawful absences beyond those specifically named in this article and additional regulations as are necessary for the orderly enrollment of pupils so as to provide for uniform dates of entrance. These regulations shall require: (1) that school officials shall immediately intervene to encourage the student’s future attendance when the student has three consecutive unlawful absences or a total of five unlawful absences, except as provided for students in a proficiency‑based program pursuant to Section 59‑5‑65(9), and (2) that the district board of trustees or its designee shall promptly approve or disapprove any student absence in excess of ten days. As used in this section, ‘intervene’ means to identify the reasons for the child’s continued absence and to develop a plan in conjunction with the student and his parent or guardian to improve his future attendance.

Provided, however, that nothing within this section shall interfere with the board’s authority to at any time refer a child to a truancy prevention program or to the court pursuant to Section 59‑65‑50.”

SECTION 3. This act takes effect upon approval by the Governor.

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